

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

MARK HORTON,

Plaintiff,

v.

MIDWEST GERIATRIC MANAGEMENT, LLC,

Defendant.

Case No. 14:17-CV-2324

JOINT PROPOSED SCHEDULING PLAN

Pursuant to Federal Rule of Civil Procedure 26(f), an initial conference of the parties was held on October 18, 2017 via telephone with attorneys Mark S. Schuver and Natalie T. Lorenz (Plaintiff) and Michael L. Jente (Defendant) participating.

SCHEDULING AND DISCOVERY PLANS WERE DISCUSSED AND AGREED TO AS FOLLOWS:

- (a) The Parties state that the Track Assignment (Track 2: Standard) is appropriate.
- (b) Joinder of additional parties shall be made by January 8, 2018, and amendment of pleadings shall be made by January 8, 2018.
- (c) The Parties agree to the following discovery plan:
 - (i) The parties **CERTIFY** that they have discussed, in particular, the proportionality of discovery, the burden and expense associated with discovery, and the discovery of electronically stored information (ESI). The parties ☐ do ☒ do not anticipate a need for an ESI protocol.
 - (ii) The parties will submit a joint stipulated protective order.
 - (iii) Initial disclosures or information and exchange of documents pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed by November 9, 2017.
 - (iv) Discovery need not be conducted in phases or limited to certain issues.
 - (v) Expert witnesses shall be disclosed, along with a written report prepared and signed by the witness pursuant to Federal Rule of Civil Procedure 26(a)(2), as follows:

Plaintiff's expert(s) and report(s) disclosed by: March 1, 2018.

Defendant's expert(s) and report(s) disclosed by: May 1, 2018.

Depositions of expert witnesses must be taken by:

Plaintiff's expert(s): April 2, 2018.

Defendant's expert(s): June 1, 2018.

- (vi) The Parties agree that the presumptive limits of ten (10) depositions per side as set forth in Fed. R. Civ. P. 30(a)(2)(A) and twenty-five (25) interrogatories per party as set forth in Fed. R. Civ. P. 33(a) should apply.
- (vii) The Parties do not anticipate that physical or mental examinations of Parties will be requested pursuant to Fed. R. Civ. P. 35.
- (viii) **Discovery** shall be completed by June 28, 2018. Any written interrogatories or request for production served after the date of the Scheduling and Discovery Order shall be served by a date that allows the served parties the full **30 days** as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.
- (d) The Parties agree that the case may be referred for mediation or early neutral evaluation any time prior to March 1, 2018.
- (e) All **dispositive motions** (motions to dismiss, summary judgment, etc.) shall be filed by October 24, 2018. Dispositive motions filed after this date will not be considered by the Court.

All motions to exclude testimony pursuant to *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) or *Kuhmo Tire Co. Ltd. v. Carmichael*, 526 U.S. 137 (1999) shall be filed by December 3, 2018.
- (f) The earliest date that the Parties anticipate this case should be ready for trial is February 2019.
- (g) The Parties anticipate the length of time expected to try the case to verdict is 4 trial days.

DATED: October 19, 2017

/s/Mark S. Schuver

Mark S. Schuver, 34713MO
Natalie T. Lorenz, 65566MO
MATHIS, MARIFIAN & RICHTER, LTD.
23 Public Square, Suite 300
Belleville, Illinois 62220
Telephone: (618) 234-9800
Facsimile: (618) 234-9786
E-mail: mschuver@mmrltd.com
nlorenz@mmrltd.com

Attorneys for Plaintiff, Mark Horton

/s/Michael L. Jente (with consent)

Philip J. Mackey, 48630MO
Michael L. Jente, 62980MO
LEWIS RICE LLC
600 Washington Ave., Suite 2500
St. Louis, MO 63101-1311
Telephone: (314) 444-1343
Facsimile: (314) 612-1343
E-mail: pmackey@lewisrice.com
mjente@lewisrice.com

Attorneys for Defendant Midwest Geriatric
Management, LLC